

with, such article so as to create in the mind of the purchaser or prospective purchaser a false or misleading impression or belief in regard to the therapeutic or curative value of such article in the treatment of human ailments or diseases, and from doing or performing any acts for the purpose, or which has the effect of evading the foregoing prohibition.

**822. Misbranding of Clearwater's Combination Medicine. U. S. v. Henry P. Clearwater (H. P. Clearwater and Pope Laboratories). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 5574. Sample Nos. 24345-E, 26965-E.)**

On March 17, 1942, the United States attorney for the District of Maine filed an information against Henry P. Clearwater, trading as H. P. Clearwater and Pope Laboratories, Hallowell, Maine, alleging shipment on or about July 18 and August 12, 1940, from the State of Maine into the States of Pennsylvania and Washington of quantities of Clearwater's Combination Medicine which was misbranded.

The combination consisted of three products. Analysis showed that No. 1 was a pink pill consisting essentially of ferrous carbonate, potassium iodide, calcium glycerophosphate, manganese dioxide, sulfur, and a compound of zinc; that No. 2 was a white tablet containing cascara; and that No. 3 was a pink compressed tablet consisting largely of aspirin and starch.

The article was alleged to be misbranded in that certain statements in the labeling which represented and suggested that it would be efficacious as a reconstructive systemic tonic and would be efficacious in the treatment and prevention of rheumatism and arthritis were false and misleading since it would not be efficacious for such purposes.

On July 16, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of \$150.

**823. Misbranding of Blue Ridge Mountain Mineral. U. S. v. Robert T. Sides C. S. & W. Mineral Co.). Plea of nolo contendere. Fine, \$200 and probation for 2 years. (F. D. C. No. 6424. Sample No. 37792-E.)**

On April 21, 1942, the United States attorney for the Middle District of North Carolina filed an information against Robert T. Sides, trading as the C. S. & W. Mineral Co., Kannapolis, N. C., alleging shipment on or about February 21, 1941, from the State of North Carolina into the State of South Carolina of a quantity of Blue Ridge Mountain Mineral which was misbranded.

Examination of the article showed that it consisted of a natural mineral which when prepared according to directions on the label, consisted essentially of a dilute solution of ferric sulfate with minute amounts of sulfates of other minerals and some ferric hydroxide in suspension.

The article was alleged to be misbranded in that statements in the labeling which represented and suggested that it would be efficacious in the treatment of high blood pressure, pellagra, nervousness, inability to sleep, nervous indigestion, rheumatism, kidney, bladder and stomach trouble, piles, sore eyes, blood poison, all skin infections, erysipelas or tetter, flux, female complaints, irregularities, all blood diseases, loss of appetite, old sores, bed wetting and all skin infections; that it was a powerful germicide and ferruginous tonic, intestinal astringent and internal hemostatic; that it was efficacious in building up new red blood and would promote normal circulation; that it was efficacious in the treatment of gastric indigestion, and would be efficacious as a tonic for blood disorders, indigestion and other forms of stomach trouble and neuritis; that it was efficacious in the treatment of diarrhea and dysentery; and was efficacious in the treatment of boils, carbuncles, skin disease, eczema, leucorrhea or whites, heart trouble and heartburn, and that the user would derive the benefits usually derived from a sojourn at a health resort, were false and misleading since the product would not be efficacious for such purposes.

On October 19, 1942, the defendant having entered a plea of nolo contendere, the court sentenced him to pay a fine of \$200, and placed him on probation for a period of 2 years on the general conditions of probation and the additional condition that he was not to sell any more of the product covered by the information.

**824. Misbranding of McFadden 3 Sisters Springs mineral water. U. S. v. Roy A. Whipple and Ruth A. Whipple (McFadden 3 Sisters Springs). Pleas of nolo contendere. Imposition of sentence suspended. (F. D. C. No. 4177. Sample No. 15891-E.)**

On October 16, 1941, the United States attorney for the Western District of Arkansas filed an information against Roy A. Whipple and Ruth A. Whipple, copartners trading as McFadden 3 Sisters Springs at Hot Springs, Ark., alleging

delivery at Hot Springs, Ark., on or about August 8, 1940, for introduction into interstate commerce from the State of Arkansas into the State of Missouri of a quantity of McFadden 3 Sisters Springs mineral water which was misbranded.

Analysis showed that the article was a lightly mineralized, mildly alkaline water consisting chiefly of calcium and magnesium bicarbonates, sulfates, and chlorides.

The article was alleged to be misbranded in that certain statements in the labeling which represented and suggested that it would be efficacious in the treatment of Bright's disease, diabetes, dropsy, pus in kidney, bladder and urethra, and other kidney, bladder, and urinary troubles, high and low blood pressure, enlarged prostate gland, paralysis, stones in kidney, and other urinary troubles, change of life, female irregularities, insomnia, anemia, nervous prostration, gout and hyperacidity; that it would be efficacious to maintain and restore health in apparently hopeless cases; would rejuvenate shattered nerves and weakened bodies; that it possessed the health-giving properties implied in the statement "Fountains of Health"; would be efficacious in advanced stages of kidney trouble, bladder and gall-stone misery, cystitis, rheumatism, arthritis, sciatica, diabetes, chronic constipation and resulting complications; that it would bring about renewed vitality and fitness; would help nature to discharge toxins which frequently cause serious ills and would flush out accumulated wastes which form poisons to attack the vital organs, the liver, kidney and bladder; that it would be efficacious in cases of faulty elimination and poor assimilation; would assist nature in the cleansing of each tissue, nerve and muscle, thus enabling nature's recreating and rejuvenating forces to carry new life thereto; would be efficacious to control the changes in tissue which produce old age and infirmities, and enable one to catch the rhythm of youth again; and would supply the minerals to keep the body tissues and fluids and organs in perfect running order, clarify the blood, promote physical repair and eliminate waste, were false and misleading since the article would not be efficacious for such purposes.

On September 7, 1942, the defendants entered pleas of nolo contendere and on September 28, 1942, the court suspended imposition of sentence during the period of compliance by the defendants with the Federal Food, Drug, and Cosmetic Act.

**825. Misbranding of Cos-Tal Big C. U. S. v. Alvin M. Hitt (Cos-Tal Laboratories Co.). Plea of guilty. Defendant placed on probation for 2 years. (F. D. C. No. 6438. Sample No. 48977-E.)**

On June 20, 1942, the United States attorney for the Southern District of Georgia filed an information against Alvin M. Hitt, trading as the Cos-Tal Laboratories Co., at Savannah, Ga., alleging shipment on or about October 7, 1941, from the State of Georgia into the State of South Carolina of a quantity of Cos-Tal Big C, which was misbranded.

Analysis of a sample of the article showed that it was an aqueous emulsion, containing volatile oils, including oil of sandalwood and resins.

The article was alleged to be misbranded in that the statement, "Big C is indicated in cases of un-natural discharges," borne on the bottle label was false and misleading since it represented that the article would be efficacious in the cure, mitigation, treatment or prevention of un-natural discharges, whereas it would not be efficacious for such purposes.

On October 3, 1942, the defendant having entered a plea of guilty, the court placed him on probation for a period of 2 years.

**826. Misbranding of Heilmann's Formula "99." U. S. v. Frank J. Heilmann (Heilmann's National Distributors). Plea of guilty. Fine, \$50. (F. D. C. No. 7236. Sample No. 60896-E.)**

On June 15, 1942, the United States attorney for the Southern District of California filed an information against Frank J. Heilmann, trading as Heilmann's National Distributors at Los Angeles, Calif., alleging shipment on or about August 7, 1941, from the State of California into the State of Oregon of a quantity of Heilmann's Formula "99" which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of potassium acetate, potassium iodide, resinous matter, colchicine, alcohol, and water.

It was alleged to be misbranded in that statements in the labeling which represented and suggested that it would act as a stimulant diuretic to the kidneys; would increase the flow of urine and produce a beneficial effect in gouty conditions; would prevent heart injury resulting from the pain, discomfort and ill